

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO COMPLY
WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare, Inc. (collectively, "Defendants") respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:16-cv-02750-JNE-FLN	Brannon	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:16-cv-04418-JNE-FLN	Burks	Goza & Honnold, LLC
0:16-cv-02156-JNE-FLN	Busby	Kennedy Hodges, L.L.P.
0:16-cv-04353-JNE-FLN	Butkus	McGlynn, Glissain & Mouton
0:16-cv-02626-JNE-FLN	Buttacavoli	Kennedy Hodges, L.L.P.
0:16-cv-02661-JNE-FLN	Davis	Kennedy Hodges, L.L.P.
0:16-cv-04412-JNE-FLN	Gill	Goza & Honnold, LLC
0:16-cv-01338-JNE-FLN	Hartzel	Kennedy Hodges, L.L.P.
0:16-cv-02787-JNE-FLN	Hood	Meshbesh & Spence, Ltd.
0:16-cv-02481-JNE-FLN	Magee	Kennedy Hodges, L.L.P.
0:16-cv-02711-JNE-FLN	Miller	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:16-cv-02395-JNE-FLN	Nadeau	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.

0:16-cv-01834-JNE-FLN	Newcomb	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:16-cv-02959-JNE-FLN	Novak	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-00597-JNE-FLN	Perez	McGlynn, Glissain & Mouton
0:16-cv-02212-JNE-FLN	Pettersen	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-00299-JNE-FLN	Raymond	Bernstein Liebhard LLP
0:16-cv-01847-JNE-FLN	Rivers	Kennedy Hodges, L.L.P.
0:17-cv-00350-JNE-FLN	Sanders	The Miller Firm, LLC
0:16-cv-00826-JNE-FLN	Starnes	Kirtland & Packard LLP
0:17-cv-00188-JNE-FLN	Stouffer	Bernstein Liebhard LLP
0:16-cv-02374-JNE-FLN	Upton	Kennedy Hodges, LLP

As set forth in Defendants’ Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet (“PFS”) compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants’ original deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants’ third deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: August 3, 2017

Respectfully submitted,

s/ Benjamin W. Hulse

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